JS 44 (Rev. 12/12)

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
SCHNUCK MARKETS

(stamp: U.S. DISTRICT COURT EASTERN DISTRICT OF MO ST. LOUIS)

(b) County of Residence of First Listed Plaintiff St. Louis County, Missouri
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Kevin F. Hormuth, David P. Niemeier, Greensfelder, Hemker & Gale, P.C., 10 South Broadway, Suite 2000, St. Louis, MO 63102, 314-241-9090

DEFENDANTS
FIRST DATA MERCHANT DATA SERVICES CORP. and CITICORP PAYMENT SERVICES, INC.

County of Residence of First Listed Defendant Arapahoe County, Colorado
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

4:13CV002226 JAR

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ❏ 1 U.S. Government Plaintiff
- ❏ 3 Federal Question *(U.S. Government Not a Party)*
- ❏ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	❏ 1	Incorporated *or* Principal Place of Business In This State	☒ 4	❏ 4
Citizen of Another State	❏ 2	☒ 2	Incorporated *and* Principal Place of Business In Another State	❏ 5	☒ 5
Citizen or Subject of a Foreign Country	❏ 3	❏ 3	Foreign Nation	❏ 6	❏ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
❏ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	❏ 625 Drug Related Seizure of Property 21 USC 881	❏ 422 Appeal 28 USC 158	❏ 375 False Claims Act
❏ 120 Marine	❏ 310 Airplane	❏ 365 Personal Injury - Product Liability	❏ 690 Other	❏ 423 Withdrawal 28 USC 157	❏ 400 State Reapportionment
❏ 130 Miller Act	❏ 315 Airplane Product Liability	❏ 367 Health Care/			❏ 410 Antitrust
❏ 140 Negotiable Instrument	❏ 320 Assault, Libel &	Pharmaceutical		**PROPERTY RIGHTS**	❏ 430 Banks and Banking
❏ 150 Recovery of Overpayment & Enforcement of Judgment	Slander	Personal Injury Product Liability		❏ 820 Copyrights	❏ 450 Commerce
❏ 151 Medicare Act	❏ 330 Federal Employers' Liability	❏ 368 Asbestos Personal Injury Product		❏ 830 Patent	❏ 460 Deportation
❏ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	❏ 340 Marine	Liability		❏ 840 Trademark	❏ 470 Racketeer Influenced and Corrupt Organizations
❏ 153 Recovery of Overpayment of Veteran's Benefits	❏ 345 Marine Product Liability	**PERSONAL PROPERTY**	**LABOR**	**SOCIAL SECURITY**	❏ 480 Consumer Credit
❏ 160 Stockholders' Suits	❏ 350 Motor Vehicle	❏ 370 Other Fraud	❏ 710 Fair Labor Standards Act	❏ 861 HIA (1395ff)	❏ 490 Cable/Sat TV
☒ 190 Other Contract	❏ 355 Motor Vehicle Product Liability	❏ 371 Truth in Lending	❏ 720 Labor/Management Relations	❏ 862 Black Lung (923)	❏ 850 Securities/Commodities/ Exchange
❏ 195 Contract Product Liability	❏ 360 Other Personal Injury	❏ 380 Other Personal Property Damage	❏ 740 Railway Labor Act	❏ 863 DIWC/DIWW (405(g))	❏ 890 Other Statutory Actions
❏ 196 Franchise	❏ 362 Personal Injury - Medical Malpractice	❏ 385 Property Damage Product Liability	❏ 751 Family and Medical Leave Act	❏ 864 SSID Title XVI	❏ 891 Agricultural Acts
			❏ 790 Other Labor Litigation	❏ 865 RSI (405(g))	❏ 893 Environmental Matters
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	❏ 791 Employee Retirement Income Security Act	**FEDERAL TAX SUITS**	❏ 895 Freedom of Information Act
❏ 210 Land Condemnation	❏ 440 Other Civil Rights	**Habeas Corpus:**		❏ 870 Taxes (U.S. Plaintiff or Defendant)	❏ 896 Arbitration
❏ 220 Foreclosure	❏ 441 Voting	❏ 463 Alien Detainee		❏ 871 IRS—Third Party 26 USC 7609	❏ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
❏ 230 Rent Lease & Ejectment	❏ 442 Employment	❏ 510 Motions to Vacate Sentence			
❏ 240 Torts to Land	❏ 443 Housing/ Accommodations	❏ 530 General			❏ 950 Constitutionality of State Statutes
❏ 245 Tort Product Liability	❏ 445 Amer. w/Disabilities - Employment	❏ 535 Death Penalty	**IMMIGRATION**		
❏ 290 All Other Real Property	❏ 446 Amer. w/Disabilities - Other	**Other:**	❏ 462 Naturalization Application		
	❏ 448 Education	❏ 540 Mandamus & Other	❏ 465 Other Immigration Actions		
		❏ 550 Civil Rights			
		❏ 555 Prison Condition			
		❏ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ❏ 2 Removed from State Court
- ❏ 3 Remanded from Appellate Court
- ❏ 4 Reinstated or Reopened
- ❏ 5 Transferred from Another District *(specify)*
- ❏ 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

Brief description of cause:
Plaintiff alleges breach of contract and also seeks a declaratory judgment.

VII. REQUESTED IN COMPLAINT:
❏ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ 75,000.00+

CHECK YES only if demanded in complaint:
JURY DEMAND: ❏ Yes   ☒ No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE _____   DOCKET NUMBER _____

DATE 11/05/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____